

ALPHABETICAL INDEX  
CITY COUNCIL MEETING  
JANUARY 24, 2012

Subject

	<u>Page</u>
Adjournment .....	7
Additions, Deletions or Withdrawals .....	1
Approval of Minutes (Tab A) .....	2
Citizens' Forum .....	7
City Attorney (NONE) .....	7
City Clerk.....	7
City Events.....	2
City Manager .....	4, 7
Consent Agenda.....	2-3
Council Reports .....	7
Discussion Regarding Maintenance Services for Biscayne Landing (Tab L).....	6
Flag Salute .....	1
Inspirational Message .....	1
Legislative Matters .....	3-5
Nominating Carlos Alvarez and Cesar Alvarez to Citizens' Hall of Fame (Tab L1) .....	6
Ordinances – First Reading .....	4-5
Ordinances – Second Reading and Public Hearing .....	4
Proposed Ordinance (First Reading) Amending Chapter 29 “Land Development Regulations” Amending Article 4 Division 4 “Special Purpose and Overlay Districts” Section 4-402 “Planned Development District” Subsection B “Development Standards” to Expand the List Of Permitted Uses and to Further Amend Subsection B2.F and Subsection B2H.V to Revise the Development Standards and Provide For a Waiver as Contained Therein Consistent with the Comprehensive Plan (Tab I) .....	5
Proposed Ordinance (First Reading) Amending Chapter 29 “Land Development Regulations” Amending Article 4 “Zoning Districts” Section 4-101 “Establishment of Zoning Districts” to Reference the Regional Activity Center (RAC) as an Overlay and Special Purpose District and to Further Amend Division 4 “Special Purpose and Overlay Districts, to Create a New Section 4-406 “Regional Activity Center” in Order to List the Uses Permitted in the RAC Consistent with	

## ALPHABETICAL INDEX

January 24, 2012

Page 2

<u>Subject</u> .....	<u>Page</u>
The Comprehensive Plan (Tab H) .....	4-5
Proposed Ordinance (Second Reading) Amending Articles I, II, III And IV of Chapter 9 "Garbage and Trash," to Increase Participation Of Private Waste Collectors in the Collection and Removal of Garbage, Trash and Solid Waste, Including Recyclable Materials (Tab G).....	4
Proposed Resolution Approving a Substantial Amendment to the 2010 Action Plan as Amended, to Incorporate an Additional Target Area for the Neighborhood Stabilization Program Three (NSP3) Funded by the Department of Housing and Urban Development (HUD) Under the Dodd-Frank Act of 2010 (Tab E, Tab L2) .....	3, 6-7
Proposed Resolution Authorizing a Program Fee Reduction Policy for the Parks and Recreation Department to Reduce Athletic Program Fees for Qualifying Households (Tab D) .....	3
Proposed Resolution Authorizing and Approving an Amendment To the Building Fee Schedule to Adjust Re-Occupancy Fees For the Community Planning and Development Department (Tab J) .....	5
Proposed Resolution Authorizing the Award of a City Issued Firearm to Retired Police Major Steven P. Miller in Recognition of Over Twenty-Eight Years of Service (Tab C).....	2
Proposed Resolution Authorizing the City Manager and the City Attorney to Take All Actions Necessary to Negotiate And Execute a Third Amendment to the Homeowner Development Assistant Agreement with 125 Developers, LLC to Extend the Loan Term of the Agreement and to Authorize a Conditional Assignment and Assumption of Same to NOMI Liquidation, LLC and Other Beneficiaries, Providing for the Conversion of the Agreement to a Multifamily Rental Rehabilitation Agreement Upon the Satisfaction of All Conditions (Tab F) .....	3
Proposed Resolution of the City Manager and City Attorney to Submit an Application for Project Financing Under the State Revolving Fund Program and to Negotiate and Execute an Agreement with the Department of Environmental Protection;	

## ALPHABETICAL INDEX

January 24, 2012

Page 3

<u>Subject</u> .....	<u>Page</u>
Establishing Pledged Revenues; Designating Authorized Representatives; Providing Assurances of Compliance with Program Requirements (Tab K).....	6
Public Hearings – Ordinances, Resolutions, Zoning, Land Use Items, Etc. ....	3-5
Requests – Petitions – Communications .....	6
Resolutions .....	5-6
Roll Call .....	1
Special Presentations .....	1-2
St. James Catholic Church Annual Carnival to be Held February 16-19, 2012 – Special Permit Required (Tab B).....	2

**SUMMARY MINUTES**  
**REGULAR COUNCIL MEETING**

**January 24, 2012**

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, January 24, 2012, beginning at 7:00 p.m.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known.)

Note: The actual agenda and all backup materials for each City Council meeting can be found at: [www.northmiamifl.gov](http://www.northmiamifl.gov)

Flag salute led by Police Chief Marc Elias, Jr.

Inspirational Message

♦ Doctor, Pastor Enoch Milien

**ROLL CALL**

Councilwoman Steril	Here
Councilman Galvin	Here
Mayor Pierre	Here
Councilman Blynn	Here
Vice Mayor Marcellus	Here

**Additions, Deletions or Withdrawals**

Tab L1, added to the Agenda, under Requests – Petitions - Communications

**SPECIAL PRESENTATION(s)**

- ♦ Recognition of "Employee of the Quarter" *William Miranda, MOCA Maintenance Mechanic* for Fall 2011

Mayor Pierre recognized Bonnie Clearwater, MOCA Director, presenting Employee of the Quarter plaque to *William Miranda, MOCA Maintenance Mechanic*.

◆ Community Oriented Policing Unit–COPS Award

Mayor Pierre recognized Police Chief Marc Elias, Jr., with Assistant Chief Leonard Burgess and Major Franzia Brea-Burden, regarding an award received by the North Miami Police Department, for Crime Prevention and Community Policing, as a recipient for outstanding work done. Chief Elias recognized COPS Unit Members: Officer Crystal Korelishn, Officer John Ferras, Officer Kessler Brooks, Officer Michael Chery, Officer James Stuart and Supervisors: Assistant Chief Burgess, Major Brea-Burden, Major Robert Bage and Sergeant Pedro Dominguez.

Chief Elias invited everyone to Friday's swearing in promotional ceremony at North Miami Senior High School at 11:00 am.

- ◆ Mayor Pierre recognized Miguel Seco, Governmental Affairs Manager, giving a brief update on a conference call held with President Barack Obama and the transmission of stories from the City of North Miami to President Obama.

**CITY EVENTS – ANNOUNCEMENT**

Mr. Seco, on behalf of Pam Solomon, Public Information Officer, announced upcoming events for the City of North Miami.

**SPECIAL PRESENTATION(s)**

- ◆ Mayor Pierre recognized Vice Mayor Marcellus' birthday.

**CONSENT AGENDA**

**TAB A - APPROVAL OF MINUTES**

– Regular Council Meeting – January 10, 2012

**TAB B – ST. JAMES CATHOLIC CHURCH ANNUAL CARNIVAL TO BE HELD FEBRUARY 16-19, 2012 – SPECIAL PERMIT REQUIRED**

**TAB C – PROPOSED RESOLUTION AUTHORIZING THE AWARD OF A CITY-ISSUED FIREARM TO RETIRED POLICE MAJOR STEVEN P. MILLER IN RECOGNITION OF OVER TWENTY-EIGHT (28) YEARS OF SERVICE TO THE CITY OF NORTH MIAMI AND THE NORTH MIAMI POLICE DEPARTMENT**

**TAB D – PROPOSED RESOLUTION AUTHORIZING A PROGRAM FEE REDUCTION POLICY FOR THE PARKS AND RECREATION DEPARTMENT TO REDUCE ATHLETIC PROGRAM FEES FOR QUALIFYING HOUSEHOLDS**

**TAB E - PROPOSED RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S 2010 ACTION PLAN AS AMENDED, TO INCORPORATE AN ADDITIONAL TARGET AREA FOR THE NEIGHBORHOOD STABILIZATION PROGRAM THREE (NSP3) FUNDED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) UNDER THE DODD-FRANK ACT OF 2010**

**TAB F - PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO TAKE ALL ACTIONS NECESSARY TO NEGOTIATE AND EXECUTE A THIRD AMENDMENT TO THE HOMEOWNER DEVELOPMENT ASSISTANCE AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND 125 DEVELOPERS, LLC, TO EXTEND THE LOAN TERM OF THE AGREEMENT AND TO AUTHORIZE A CONDITIONAL ASSIGNMENT AND ASSUMPTION OF SAME TO NOMI LIQUIDATION, LLC, AND OTHER BENEFICIARIES, PROVIDING FOR THE CONVERSION OF THE AGREEMENT TO A MULTIFAMILY RENTAL REHABILITATION AGREEMENT UPON THE SATISFACTION OF ALL CONDITIONS**

Mayor and Council pulled Tab F, for discussion. Council discussion. Stephen Johnson, City Manager and Maxine Calloway, Community Planning & Development Director, gave brief reports to Council. Mayor Pierre placed Tab F, back into the Consent Agenda.

Mayor and Council pulled Tab E, for discussion. Councilman Galvin moved that Tab E become Tab L2 on the regular Council Agenda to include public hearing, seconded by Councilman Blynn; passed 3-2. Mayor Pierre and Vice Mayor Marcellus denied.

Vice Mayor Marcellus moved to approve the Consent Agenda, Tabs A through F, minus Tab E seconded by Mayor Pierre; passed unanimously.

**PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND USE ITEMS, ETC.**

**LEGISLATIVE MATTERS**

## **ORDINANCES – SECOND READING AND PUBLIC HEARING**

### **TAB G - PROPOSED ORDINANCE (*SECOND READING*) AMENDING ARTICLES I, II, III AND IV OF CHAPTER 9 OF THE CODE OF ORDINANCES, ENTITLED “GARBAGE AND TRASH,” TO INCREASE THE PARTICIPATION OF PRIVATE WASTE COLLECTORS IN THE COLLECTION AND REMOVAL OF GARBAGE, TRASH AND SOLID WASTE, INCLUDING RECYCLABLE MATERIALS**

Michael A. Etienne, Esquire, City Clerk, read the Ordinance title for the record. Vice Mayor Marcellus moved to approve the Ordinance, seconded by Mayor Pierre; for discussion. Lengthy public discussion. Council discussion. Mr. Johnson and Roland Galdos, Interim City Attorney, gave brief reports to Council. Council discussion. Council voted; passed 3-2, by roll call vote. Councilman Blynn and Councilman Galvin denied.

Vice Mayor Marcellus moved to direct the City Manager to begin the process of an RFP or to piggyback on an existing contract to privatize garbage collection, seconded by Mayor Pierre; for discussion. Council discussion. Mr. Johnson and Mr. Galdos gave brief reports to Council. Council voted; passed 3-2, by roll call vote. Councilman Blynn and Councilman Galvin denied.

## **CITY MANAGER’S REPORT**

Mr. Johnson introduced Peyton Lumpkin, Attorney representing the City of North Miami, Biscayne Landing and Jack Winston, Real Estate Consultant from Goodkinconsulting. Mr. Johnson, Ms. Lumpkin and Mr. Winston gave brief updates to Council regarding the status of Biscayne Landing. Council discussion.

Mr. Johnson announced a public workshop would be held on Thursday at 6 pm.

## **ORDINANCES – FIRST READING**

### **TAB H - PROPOSED ORDINANCE (*FIRST READING*) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED “LAND DEVELOPMENT REGULATIONS” BY AMENDING ARTICLE 4 ENTITLED “ZONING DISTRICTS”, SPECIFICALLY AT SECTION 4-101 ENTITLED “ESTABLISHMENT OF ZONING DISTRICTS”, TO REFERENCE THE REGIONAL ACTIVITY CENTER (RAC) AS AN**

**OVERLAY AND SPECIAL PURPOSE DISTRICT, AND TO FURTHER AMEND DIVISION 4, ENTITLED "SPECIAL PURPOSE AND OVERLAY DISTRICTS", TO CREATE A NEW SECTION 4-406 ENTITLED "REGIONAL ACTIVITY CENTER", IN ORDER TO LIST THE USES PERMITTED IN THE RAC CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN**

Mr. Etienne read the Ordinance title for the record. Councilman Blynn moved to approve the Ordinance, seconded by Mayor Pierre; for discussion. No public discussion. Maxine Calloway, Community Planning & Development Director, noted one correction for the record: the square footage in the industrial area should be 1.5 million square feet opposed to 1 million square feet. Council voted; passed unanimously, by roll call vote.

**TAB I - PROPOSED ORDINANCE (FIRST READING) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 4 ENTITLED "SPECIAL PURPOSE AND OVERLAY DISTRICTS," AT SECTION 4-402 ENTITLED "PLANNED DEVELOPMENT DISTRICT", SPECIFICALLY AT SUBSECTION B ENTITLED "DEVELOPMENT STANDARDS," TO EXPAND THE LIST OF PERMITTED USES, AND TO FURTHER AMEND SUBSECTION B2.F AND SUBSECTION B2H.V, TO REVISE THE DEVELOPMENT STANDARDS AND PROVIDE FOR A WAIVER AS CONTAINED THEREIN, CONSISTENT WITH THE COMPREHENSIVE PLAN**

Mr. Etienne read the Ordinance title for the record. Councilman Blynn moved to approve the Ordinance, seconded by Mayor Pierre; for discussion. No public discussion. Council voted; passed unanimously, by roll call vote.

**RESOLUTIONS**

**TAB J - PROPOSED RESOLUTION AUTHORIZING AND APPROVING AN AMENDMENT TO THE BUILDING FEE SCHEDULE TO ADJUST RE-OCCUPANCY FEES FOR THE CITY DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT**

Mr. Etienne read the Resolution title for the record. Councilman Blynn moved to approve the Resolution, seconded by Mayor Pierre; for discussion. No public discussion. Council voted; passed unanimously.



**TAB K – PROPOSED RESOLUTION OF THE CITY MANAGER AND CITY ATTORNEY TO SUBMIT AN APPLICATION FOR PROJECT FINANCING UNDER THE STATE REVOLVING FUND PROGRAM AND TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES OF COMPLIANCE WITH PROGRAM REQUIREMENTS**

Mr. Etienne read the Resolution title for the record. Councilman Blynn moved to approve the Resolution, seconded by Mayor Pierre; for discussion. No public discussion. Council voted; passed unanimously.

**REQUESTS – PETITIONS – COMMUNICATIONS**

**TAB L – DISCUSSION REGARDING MAINTENANCE SERVICES FOR BISCAYNE LANDING**

Mr. Etienne read the title for the record. Council discussion. Mr. Johnson gave a brief report to Council regarding maintenance services. Councilwoman Steril moved to approve an extension to Josaphat Celestin, Property Manager, for Biscayne Landing, of up to 90 days, seconded by Councilman Galvin; for discussion. Mr. Celestin gave a brief report to Council regarding the monthly payment and equipment needed to maintain the site. Mr. Celestin requested an increase in the monthly payment from \$19,500 to \$25,000. Council discussion. Councilman Galvin withdrew his second on the motion. Councilwoman Steril amended the motion to include the additional amount in the monthly payment, seconded by Councilman Blynn; passed 4-1. Councilman Galvin denied.

**TAB L1 – NOMINATING CARLOS ALVAREZ AND CESAR ALVAREZ TO NORTH MIAMI'S CITIZENS' HALL OF FAME**

Mayor Pierre gave a brief report to Council regarding his recommendation of the first Hispanics to the Citizens' Hall of Fame. Mayor Pierre moved to approve Carlos Alvarez and Cesar Alvarez to the North Miami's Citizens' Hall of Fame, seconded by Councilman Galvin; passed unanimously.

**TAB L2 (FORMERLY TAB E) - PROPOSED RESOLUTION APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S 2010 ACTION PLAN AS AMENDED, TO INCORPORATE AN ADDITIONAL TARGET AREA FOR THE NEIGHBORHOOD**

**STABILIZATION PROGRAM THREE (NSP3) FUNDED BY THE  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)  
UNDER THE DODD-FRANK ACT OF 2010**

Mr. Etienne read the Resolution title for the record. Ms. Calloway gave a brief report to Council regarding purchasing a property located at 401 NE 121<sup>st</sup> Street and establishing a boundary for reimbursement through HUD. Council discussion. Public discussion. Councilwoman Steril moved to approve the Resolution, seconded by Mayor Pierre; passed 4-1. Councilman Galvin denied.

**CITIZENS' FORUM**

A variety of residents spoke on issues of interest.

**COUNCIL REPORTS**

Various items of interest presented by Council.

Councilman Blynn moved to request Mayor and Council approve \$2,500 to purchase a Bronze Sponsorship package for the Miami Dade League of Cities installation dinner on February 18<sup>th</sup>, this amount includes ¼ page color ad and a table for 10 people including registration, seconded by Mayor Pierre; passed 4-1. Councilman Galvin denied.

Councilman Blynn moved to request approval for an extension for the false alarm registration deadline from February 1<sup>st</sup> to March 1<sup>st</sup>, seconded by Mayor Pierre; passed unanimously.

**CITY CLERK'S REPORT**

Councilwoman Steril moved to appoint Jeffy Mondesir to the Board of Adjustment, seconded by Councilman Galvin; passed unanimously.

**CITY ATTORNEY'S REPORT**

(NONE)

**CITY MANAGER'S REPORT**

Mr. Johnson gave a brief report to Council regarding privatization of garbage collection, clarifying that Waste Management Services did approach him but no negotiations or contracts have been entered into.

**ADJOURNMENT**

Meeting adjourned at 12:48 a.m.